

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NOS. 2:12-cr-00207-02
2:13-cr-00225-02

GUY R. MILLER,

Defendant.

MEMORANDUM OPINION AND JUDGMENT ORDER

Pending before the Court is a motion, brought pursuant to 18 U.S.C. § 3582(c)(2), to reduce Defendant's sentence based on a subsequent reduction in the applicable sentencing guideline. On November 1, 2014, the United States Sentencing Guidelines were amended resulting in reductions in the guidelines in Section 2D1.1. The guideline reduction was given retroactive effect. Pursuant to the order entered on June 4, 2015, this case was designated for Standard consideration.

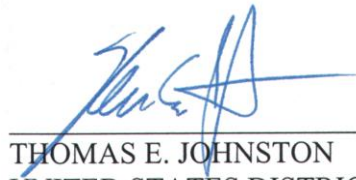
The Court has received the original Presentence Investigation Report (PSI), original Judgment and Commitment Order and Statement of Reasons, plea agreement, and addendum to the PSI from the Probation Office, and received any materials submitted by the parties on this issue. The Court concludes that the Defendant is not eligible for a reduction in his sentence because the guidelines in his case are not lowered, and this is because of the grouping analysis in U.S.S.G. § 3D1.4.

Based on the foregoing considerations, the Court finds that the Defendant is ineligible for a sentence reduction based on the 2014 amendments to U.S.S.G. § 2D.1.1. Accordingly, Defendant's motion for a sentence reduction [ECF 243] is **DENIED**.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to the Federal Public Defender, the Defendant, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: July 14, 2016

A handwritten signature in blue ink, appearing to read "Th. Johnston", is written over a horizontal line.

THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE